

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6629

BILL NUMBER: HB 1489

DATE PREPARED: Feb 23, 1999

BILL AMENDED: Feb 22, 1999

SUBJECT: Hunting while intoxicated.

FISCAL ANALYST: Brian Tabor

PHONE NUMBER: 233-9456

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a person who hunts with a firearm or bow on property where the person may not hunt without a license and who has a blood or breath alcohol count of at least 0.10% or is intoxicated commits a Class C misdemeanor. The bill increases the offense to: (1) a Class B misdemeanor if the person has a previous conviction for hunting while intoxicated; or (2) a Class A misdemeanor if the offense results in the death of another person. A court may order a person convicted of hunting while intoxicated not to hunt for one year. A person who hunts after being ordered not to hunt commits a Class A misdemeanor.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) The number of criminal cases that would result due to the provisions of this bill is unknown. The Law Enforcement Division of the Department of Natural Resources (DNR) reports that there is no information available regarding the number of alcohol-related hunting incidents in Indiana.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund could increase. The maximum fine for a Class C misdemeanor is \$500; the maximum for a Class B misdemeanor is \$1,000 and the maximum for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: (Revised) A Class C misdemeanor is punishable by up to 60 days in

jail; a Class B misdemeanor by up to 180 days; and a Class A misdemeanor by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Col. Larry Allen, Director, Law Enforcement Division, DNR, (317) 232-4010.